

January 8, 2009

Via Electronic Filing

Catherine Seidel, Chief
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *Written Ex Parte: Telecommunication Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*
CG Docket No. 03-123; WC Docket No. 05-196

Dear Ms. Seidel:

The Commission has concluded that Internet-based relay providers are entitled to the reasonable costs they incur in complying with the June 24, 2008 *Numbering Order* in the above-referenced proceeding.¹ Providers seeking such reimbursement must submit their initial filings for such costs no later than January 30, 2009, for the period of June 24, 2008 through December 31, 2008.² As explained below, the Commission should modify the timeframe covered by the initial filing so as to permit providers to also recover reasonable costs incurred between March 19, 2008 and June 24, 2008.

In order to be able to comply with the new mandates regarding numbering and E911, providers started working and incurring costs well before the June 24, 2008 order. In fact, the Commission itself invited such efforts as early as March 19, 2008, when it first announced its decision to make E911 and ten-digit numbers mandatory by December 31, 2008.³ Faced with a compressed nine-month window for resolving an array of “detailed

¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, ¶¶ 96, 98 (2008) (“*Numbering Order*”).

² *Consumer and Governmental Affairs Bureau Modifies Cost Submission Timeframes Associated with Implementation of the Numbering System for Internet-Based Telecommunications Relay Services*, Public Notice, 23 FCC Rcd 13828 (2008); see also *Numbering Order* ¶ 99.

³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Report and Order, 23 FCC Rcd 5255, ¶¶ 1, 24 (2008) (“*Interim 911 Order*”).

implementation issues,”⁴ providers had no choice but to begin working immediately on researching and developing solutions that would enable them to meet the December 31, 2008 deadline. Had providers delayed their efforts until June 24, they would have lost 97 days in which to devise solutions, or about one-third of the total time available to them. Providers choosing this path of delay would have had little chance of being able to meet the December 31 deadline.

Given these facts, fairness dictates that the Commission permit providers to request and receive compensation for reasonable costs that date back to March 19, 2008. Allowing such costs to be recovered will not result in the Interstate TRS Fund being double billed, since these costs have not been factored into calculation of the current rates for video relay service or IP Relay service.⁵ Accordingly, the Commission should instruct the National Exchange Carrier Association that VRS and IP Relay providers’ initial filings may include costs reasonably incurred for the period of March 19, 2008 through December 31, 2008.

Pursuant to the Commission’s rules, this letter is being submitted for inclusion in the public record of the above-referenced proceeding.

Sincerely,

/s/ Toni Acton

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⁴ *Numbering Order* ¶ 103; *see also id.* ¶ 104 (describing implementation timeframe as “rapid”); *Interim 911 Order* ¶¶ 1, 24 (describing implementation timeframe as “expeditious”).

⁵ *See Numbering Order* ¶ 100 n.246 (providers may recover costs “only to the extent they are not already recovered as part of, or factored into the calculation of, current rates”); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, ¶ 189 (2004) (VRS rates do not reflect research and development costs “relating to VRS enhancements that go beyond the applicable TRS mandatory minimum standards”).

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